S T A T E O F N E W Y O R K

3894

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LENTOL, JOHN, EDDINGTON, BRADLEY, CANESTRARI, CARROZZA, HOYT, KOON, ENGLEBRIGHT, PAULIN -- Multi-Sponsored by -- M. of A. SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to determining when a person is guilty of vehicular homicide

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The vehicle and traffic law is amended by adding a new section 1212-a to read as follows:

S 1212-A. VEHICULAR HOMICIDE. A PERSON IS GUILTY OF VEHICULAR HOMICIDE WHEN HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON BY OPERATION OF A MOTOR VEHICLE WHEN SUCH DEATH WAS CAUSED BY SUCH PERSON COMMITTING A MAJOR TRAFFIC VIOLATION; AND

(A) SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF TWO OR MORE MAJOR TRAFFIC VIOLATIONS ON AT LEAST TWO SEPARATE OCCASIONS WITHIN THE IMMEDIATELY PRECEDING EIGHTEEN MONTHS; OR

(B) AT THE TIME SUCH PERSON IS OPERATING SUCH MOTOR VEHICLE, HIS OR HER LICENSE IS REVOKED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH A OF SUBDIVISION TWO OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND SUCH PERSON KNOWS OR HAS REASON TO KNOW THAT HIS OR HER LICENSE HAS BEEN SO REVOKED.

FOR PURPOSES OF THIS SECTION, THE TERM "MAJOR TRAFFIC VIOLATION" SHALL MEAN THE OPERATION OF A MOTOR VEHICLE IN VIOLATION OF ANY ONE OF THE FOLLOWING PROVISIONS OF THIS CHAPTER: SUBDIVISION TWO OF SECTION SIX HUNDRED, SECTION ELEVEN HUNDRED ELEVEN, SECTION ELEVEN HUNDRED SEVENTY, SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-TWO, SECTION ELEVEN HUNDRED SEVENTY-FOUR, SUBDIVISIONS (A), (B), (C), (D) AND (F) OF SECTION ELEVEN HUNDRED EIGHTY PROVIDED THAT THE VIOLATION INVOLVED TWENTY OR MORE MILES PER HOUR OVER THE ESTABLISHED LIMIT, SECTION ELEVEN HUNDRED EIGHTY-TWO, AND SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER. THE TERM

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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"MAJOR TRAFFIC VIOLATION" SHALL ALSO INCLUDE A VIOLATION OF SUBDIVISIONS TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, AS WELL AS ANY VIOLATION OF THE PENAL LAW THAT INCLUDES AS ONE OF ITS ELEMENTS PROOF THAT SUCH PERSON VIOLATED ANY ONE OF SUCH SUBDIVISIONS. VEHICULAR HOMICIDE IS A CLASS E FELONY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.